



## Enquiry into complaint by Nursing and Midwifery Council

When a complaint is referred to the Nursing and Midwifery Council hereafter called the “Council” by Nursing and Midwifery Professions Complaint Committee (NMPCC), the Council shall conduct an enquiry into the complaint. The Council, in the absence of a complaint may initiate an enquiry into any matter that could have formed the subject of an investigation by NMPCC.

- A member of the council who was involved in the complained of may not participate in an enquiry by the council under this section.
- The Council may take evidence from witnesses on oath or affirmation, and the chairman of the Council may administer an oath or affirmation.
- Shall afford the registered person against whom the complaint is made and the NMPCC or any member of the Committee every facility.
  - i. To appear before the Council at all stages of the enquiry
  - ii. To be represented by counsel
  - iii. Generally to make a full defense or explanation in the matter of the complaint.
- Following the enquiry the Council shall make a decision as to whether the complaint is proved or not, together with reasons for its decisions.

If the council decides that the complaint is proved, it shall record its finding to that effect and may order disciplinary action against the person (registrant) whom the complaint is made.

**DISCIPLINE MAY INCLUDE:**

- a) Admonishing the practitioner (registered person).
- b) Suspending the practitioner from the practice of nursing and or midwifery for such period as it sees fit or for an indefinite period.
- c) Striking the name of the practitioner off the register or part of the register; and
- d) Imposing conditions or limitations with regard to the practice of nursing and or midwifery by the practitioner

Council shall give written notice to the practitioner of its decision, reasons for its decision and any discipline ordered together with reasons.

A practitioner who is suspended from practice for cause shall for the duration of the suspension, be deemed not to be registered.

**The practitioner may appeal to the Supreme Court a decision made by the Council within 28 days after the date on which notice of the decision is given to the practitioner by the Council.**

**THE FOLLOWING ARE DECISIONS THAT MAY BE APPEALED-**

- a) decision not to issue or renew a ' practitioner s certificate
- b) A decision to remove the name of a person from the register
- c) A decision to remove, or alter, any entry in the register in respect of a practitioner.
- d) A decision not to restore a practitioner s name to the register,
- e) A decision not to terminate a practitioner's suspension.